



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

AT & T LEGAL DEPARTMENT - NDQ  
ATTN: PATENT DOCKETING  
ONE AT & T WAY, ROOM 2A-207  
BEDMINSTER NJ 07921

COPY MAILED

MAY 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Diener, Glendon R.	:	
Application No. 09/809,084	:	ON PETITION
Filed: March 16, 2001	:	
Attorney Docket No. 2000-EM001	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 18, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

As the Power of Attorney was only recently given to the petitioner, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2161 for further examination on the merits.

Liana Walsh  
Petitions Examiner  
Office of Petitions